

PLANNING COMMISSION MINUTES

October 15, 1991

Present: Chairman Jeff Chretien, Mike Holmes, Kathi Izatt, Mick Johnson, Dick Dresher, Don Milligan, Mark Green; Les Foy City Council Representative; Jon Reed Boothe, Planning Director; Shirley Chevalier, Recording Secretary

Excused: Elaine McKay; Jack Balling, City Engineer

Guests: City Manager Tom Hardy and City Attorney Layne Forbes

Minutes of October 1, 1991 were unanimously approved as written.

Kathi Izatt reported on her trip to Park City to attend the APA convention. She prepared a report for each Commission member and passed out printed material. Kathi discussed some of the subjects covered, and encouraged more Planning Commission members to attend these meetings.

The new code (State enabling legislation) for Planning and Zoning has been completed and will go into effect in 1992. Mr. Hardy said copies would be available for Commission members.

Miscellaneous:

10-15-91.11A Review By-laws with City Attorney, Layne Forbes

Mr. Forbes has studied a copy of the by-laws and felt they were well written. However, some of the wording he feels may be too hard. His advice is to "loosen it up a little", and indicate this is the policy but not make it too ironclad.

A long discussion was held regarding the acceptance of items for PC agendas, staff approval of submitted plans before scheduling the item, rewording the text, the 5 day time frame for noticing the meetings (what are the options), behavior and ethics, etc. Layne's opinion is to adopt the Conflict of Interest section of the Utah Code into the by-laws, verbatim if desired, or as an attachment, and eliminating 11 through 15.

Kathi made a motion to reword Section 5, Notice of Meetings, (first sentence) to adopt the Open Meetings Act, which specifies 24 hrs. notice, and leave in the part that says "no more than 20 days." Also, in the areas where we are specifying time periods, change the word "shall" to "may" (Section 7, Agenda, #1). Section 7 B - change the word "shall" to "the agenda should be mailed", etc. Paragraph C - "Determination of the adequacy of the material submitted, delete "shall", substitute should. Before a vote was taken, Kathi amended the motion to include adopting the Ethics, (Conflict of Interest) Utah Code section, eliminating 11 through 15, to the by-laws; Les Foy seconded the motion; Mike Holmes opposed, Dick Dresher abstained; majority approved.

There was confusion among members as to whether the motion above was in one or two parts.

Kathi restated the motion as follows:

Modify Section 5 Notice of Meetings to adopt the Open Meetings Act, as it may be modified from time to time; modify Section 7, Paragraphs B and C, to take out "shall" and replace it with "should" in the appropriate circumstances; to have the agenda mailed to the Planning Commission, accompanied by the written recommendation and support material; the decision as to whether or not an item will be included as an action item will be at the discretion of the Planning Director and/or Chairman; the Commission agenda should be mailed not later than 5 days prior to the meeting to allow emergencies if those people decide that it needs to be; Article 5 Sections 3 through 5 be removed and the Utah Code, as presently constituted with respect to Ethics and Conflicts of Interest, will be attached but referred to as Section 3 attached and part of our by-laws.

Mick Johnson seconded the motion; Mike Holmes opposed. He does not want to be in a position to vote against or for the package, where he disagrees with part of it. He feels the motion has put two issues into one, and would rather deal with them individually; Dick Dresher abstained. Motion approved by majority. (Kathi will redraft the bylaws.)

10-15-91.11B Review Professional office & Business Office Definitions with City Attorney

Mr. Forbes said he has researched the history of the definition of "professional office". The distinction between professional offices and business offices is, to some extent, arbitrary. The definition of professional office does and has stood legal muster. There have been cases where the distinction of the traditional definition has been upheld by the courts. The traditional definition of professional office included four professions - doctor, dentist, accountant, lawyer.

Various entities later extended it, which Bountiful City has done also. Bountiful's definition is patterned after the traditional definition, except we have added pharmacies and/or opticians.

Usually the underlying criteria of a professional office is an office principally for service and advice and not the selling of products. Another distinction between professional and business offices is based on the concept of impact. It was felt that the traffic generated by some professional offices, especially medical, has more impact than some business offices who may be visited by two or three customers a day. The fact that this is part of the basis of separating the two definitions seems invalid.

Mr. Forbes feels the existing definition of professional office is not broad enough to include business office, and needs to be amended if it is the consensus that a real estate office, for example, should be included in the definition of professional office.

Mr. Forbes recommends the definitions be redefined, and asked for direction from the Planning Commission as to what distinction they want between the two, and the Legal Dept. will draft some changes for the Commission's review November 5, 1991.

10-15-91.11C Review Accessory Use Definition

10-15-91.11D Discuss Planning Commission Priorities

Kathi Izatt made a motion that these items become Old Business items rather than Miscellaneous. Died for lack of a second.

Mick Johnson said they could be put as A and B under Miscellaneous.

Mr. Boothe recommends putting returning items under Miscellaneous and eliminate Old Business. It will be easier to go back through and look for specific things. Mick Johnson agreed. Others also felt it should not be moved back and forth on the agenda.

Chairman Chretien said if we table an item and bring it back, it would go back into Old Business because it had been acted upon.

It was felt that Miscellaneous at the bottom of the list was to take care of other items first when the public was present, rather than have them wait for 2 hrs. while discussion items were being resolved.

Kathi made a motion to have items C and D at the next meeting under Miscellaneous as A and B.

Mr. Forbes' report on definitions will return under Old Business.

